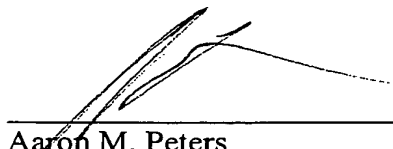




**PATENT  
EXPEDITED PROCEDURE  
GROUP ART UNIT 3713**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Dwayne Nelson	)	I hereby certify that this paper is being
Serial No.: 10/722,199	)	deposited with the United States Postal
Filed: November 25, 2003	)	Service, first class postage prepaid,
For: Apparatus and Method for a Gaming	)	addressed to: Mail Stop AF,
Unit That Changes With Time	)	Commissioner for Patents, P.O. Box
Group Art Unit: 3713	)	1450, Alexandria, Virginia 22313-1450,
Examiner: John M. Hotaling	)	on the date indicated:
Attorney Docket No.: 29757/P-262A	)	<b>June 20, 2005.</b>
Customer No.: 04743	)	
	)	
	)	_____ Aaron M. Peters
	)	Registration No. 48,801
	)	Attorney for Applicant

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Final Office Action mailed February 18, 2005, please amend the present application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.

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**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claims 78-90 (Cancelled).

Claim 91 (Original): An electronic gaming unit for allowing a user to play a video gambling game selected from the group of video gambling games consisting of video poker, video slots, video blackjack, video keno and video bingo, the electronic gaming unit comprising:

a display unit capable of generating color images;

a time generator that generates a time signal indicative of a time of day;

an input device that allows the user to make an input;

a currency accepting mechanism that is capable of allowing the user to deposit a medium of currency; and

a controller operatively coupled to the display unit, the time generator and the input device, the controller comprising a processor and a memory operatively coupled to the processor,

the controller being programmed to allow the user to make a wager after the currency accepting mechanism detects deposit of currency by the user;

the controller being programmed to cause a sequence of video images to be generated on the display unit after the currency accepting mechanism detects deposit of currency by the user, the sequence of video images representing a video gambling game selected from the group of video gambling games consisting of video poker, video slots, video blackjack, video keno and video bingo,

at least one of the images comprising an image of at least five playing cards if the video gambling game is video poker,

at least one of the images comprising an image of a plurality of simulated slot machine reels if the video gambling game is video slots,

at least one of the images comprising an image of a plurality of playing cards if the video gambling game is video blackjack,

at least one of the images comprising an image of a keno grid if the video gambling game is video keno, and

at least one of the images comprising an image of a bingo grid if the video gambling game is video bingo,

the controller being programmed to change a minimum bet for the video gambling game in response to the time signal,

the controller being programmed to determine, after the sequence of images has been displayed, an outcome of the video gambling game represented by the sequence of images and to determine a currency payout associated with the outcome of the video gambling game.

Claim 92 (Original): The electronic gaming unit of claim 91 wherein the time generator comprises an internal clock that generates the time signal.

Claim 93 (Original): The electronic gaming unit of claim 91 wherein the time generator receives the time signal from a location external to the gaming unit.

Claim 94 (Previously Presented): The electronic gaming unit of claim 91 additionally comprising an audio speaker and wherein the controller is programmed to change a volume emitted from the speaker in response to the time signal.

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Claim 95 (Original): The electronic gaming unit of claim 91 wherein the controller is programmed to change a payoff percentage in response to the time signal.

Claim 96 (Original): The electronic gaming unit of claim 91 wherein the controller is programmed to change a brightness of the display unit in response to the time signal.

Claim 97 (Original): The electronic gaming unit of claim 91 wherein the controller is programmed to change a maintenance schedule of the gaming unit in response to the time signal.

Claim 98 (Original): The electronic gaming unit of claim 91 wherein the controller is programmed to change a theme of the video gambling game in response to the time signal.

Claim 99 (Original): The electronic gaming unit of claim 91 wherein the controller is programmed to change a frequency of occurrence of a bonus game in response to the time signal.

Claim 100 (Original): The electronic gaming unit of claim 91 wherein the controller is programmed to change a denomination for the deposit of currency for the video gambling game in response to the time signal.

Claim 101 (Original): The electronic gaming unit of claim 91 wherein the controller is programmed to replace a first available bonus game for a second available bonus game in response to the time signal.

Claim 102 (Original): The electronic gaming unit of claim 101 wherein the first available bonus game is associated with a first potential payout and the second available bonus game is associated with a second potential payout.

Claim 103 (Original): An electronic gaming unit for allowing a user to play a video gambling game selected from the group of video gambling games consisting of video poker, ~~video slots, video blackjack, video keno and video bingo,~~ the electronic gaming unit comprising:

- a display unit capable of generating color images;
- a time generator that generates a time signal indicative of a time of day;
- an input device that allows the user to make an input;
- a currency accepting mechanism that is capable of allowing the user to deposit a medium of currency; and

a controller operatively coupled to the display unit, the time generator and the input device, the controller comprising a processor and a memory operatively coupled to the processor,

the controller being programmed to allow the user to make a wager after the currency accepting mechanism detects deposit of currency by the user;

the controller being programmed to cause a sequence of video images to be generated on the display unit after the currency accepting mechanism detects deposit of currency by the user, the sequence of video images representing a video gambling game selected from the group of video gambling games consisting of video poker, video slots, video blackjack, video keno and video bingo,

at least one of the images comprising an image of at least five playing cards if the video gambling game is video poker,

at least one of the images comprising an image of a plurality of simulated slot machine reels if the video gambling game is video slots,

at least one of the images comprising an image of a plurality of playing cards if the video gambling game is video blackjack,

at least one of the images comprising an image of a keno grid if the video gambling game is video keno, and

at least one of the images comprising an image of a bingo grid if the video gambling game is video bingo,

the controller being programmed to change a denomination for the deposit of currency for the video gambling game in response to the time signal,

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the controller being programmed to determine, after the sequence of images has been displayed, an outcome of the video gambling game represented by the sequence of images and to determine a currency payout associated with the outcome of the video gambling game.

Claim 104 (Original): The electronic gaming unit of claim 103 wherein the time generator comprises an internal clock that generates the time signal.

Claim 105 (Original): The electronic gaming unit of claim 103 wherein the time generator receives the time signal from a location external to the gaming unit.

Claim 106 (Previously Presented): The electronic gaming unit of claim 103 additionally comprising an audio speaker and wherein the controller is programmed to change a volume emitted from the speaker in response to the time signal.

Claim 107 (Original): The electronic gaming unit of claim 103 wherein the controller is programmed to change a payoff percentage in response to the time signal.

Claim 108 (Original): The electronic gaming unit of claim 103 wherein the controller is programmed to change a brightness of the display unit in response to the time signal.

Claim 109 (Original): The electronic gaming unit of claim 103 wherein the controller is programmed to change a maintenance schedule of the gaming unit in response to the time signal.

Claim 110 (Original): The electronic gaming unit of claim 103 wherein the controller is programmed to change a theme of the video gambling game in response to the time signal.

Claim 111 (Original): The electronic gaming unit of claim 103 wherein the controller is programmed to change a frequency of occurrence of a bonus game in response to the time signal.

Claim 112 (Original): The electronic gaming unit of claim 103 wherein the controller is programmed to replace a first available bonus game for a second available bonus game in response to the time signal.

Claim 113 (Original): The electronic gaming unit of claim 112 wherein the first available bonus game is associated with a first potential payout and the second available bonus game is associated with a second potential payout.

Claims 114-132 (Cancelled).

## **REMARKS/ARGUMENTS**

### **Status of Application**

Entry of the foregoing amendments after final rejection as narrowing the issues and presenting the claims in condition for allowance is respectfully solicited. The foregoing amendments after final rejection are being presented for the first time as a result of an agreement with the examiner.

In the Office Action mailed February 18, 2005, independent claims 91 and 103 were rejected under §102(e) as being anticipated by U.S. Patent No. 6,254,483 to Acres. Independent claims 78 and 124 were rejected as being obvious over Acres in view of U.S. Patent No. 6,354,943 to Miura. Independent claim 114 was rejected as obvious over Acres in view of U.S. Patent No. 5,611,730 to Weiss. A petition for a one-month extension of time and the corresponding fee is submitted herewith.

In the above amendments, claims 78-90 and 114-132 have been cancelled. In view of above amendments and the following remarks, reconsideration of the application is respectfully requested.

### **Acres §102 Rejection and Applicant's Interview Summary**

On May 12, 2005, May 26, 2005 and June 17, 2005, Applicants' attorney, Aaron M. Peters (Reg. No. 48,801) conducted telephonic interviews with Examiner John M. Hotaling during which the Acres patent and independent claims 91 and 103 were discussed.

### **Claims 91-102**

Independent claim 91 is directed to a gaming unit that includes (1) a time generator that generates a time signal indicative of a time of day, and (2) a controller programmed to change a **minimum bet** in response to the time signal.

As discussed during the interviews, the Acres patent generally discloses varying configuration parameters, such as game speed, payback percentage and accrual of wagers in a bonus pool, in response to monitored variables, such as time, in order to influence the net cost to the player per unit time for playing casino games. (Col. 6, ll. 13-62; col. 9, ll. 4-7). The

effective wager per unit time required by the player is a function of payback percentage and game speed. (Col. 2, ll. 35-55).

Examiner Hotaling agreed during the interview of June 17, 2005 that the Acres patent as cited in the Office action does not anticipate the gaming unit of independent claim 91. In particular, the examiner agreed that the Acres patent does not specifically disclose changing a minimum bet in response to a time signal. Therefore, it is respectfully submitted that claim 91, and claims 92-102 which depend therefrom, are allowable over Acres.

### **Claims 103-113**

Independent claim 103 is directed to a gaming unit that includes (1) a time generator that generates a time signal indicative of a time of day, and (2) a controller programmed to change a denomination for the deposit of currency for the video gambling game in response to the time signal.

As discussed in greater detail above with respect to claim 91, the Acres patent appears to disclose changing particular configuration parameters (e.g., payback percentages, accrual of wagers in a bonus pool, game speed, etc.) in response to time.

Examiner Hotaling further agreed during the interview of June 17, 2005 that the Acres patent as cited in the Office action does not anticipate the gaming unit of independent claim 103. In particular, the examiner agreed that the Acres patent does not specifically disclose changing a denomination for the deposit of currency in response to a time signal. Therefore, it is respectfully submitted that claim 103, and claims 104-113 which depend therefrom, are allowable over Acres.

Appl. N<sup>o</sup>. 10/722,199  
Amdt. dated June 20, 2005  
Reply to Office action of February 18, 2005

### Conclusion

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance. If there is any matter that the Examiner would like to discuss, he is invited to contact the undersigned representative at the telephone number set forth below.

Dated: June 20, 2005

Respectfully submitted,

By: \_\_\_\_\_

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